IN THE HIGH COURT OF UTTARAKHAND ATNAINITAL

Writ Petition No. 449 of 2007 (M/S)

Balvinder Singh S/O Sri Dayal Singh, Guru Nanak Paints Store, Gol Market, Kichcha, district Udham Singh Nagar, R/O Punjabi Mohalla, Kichcha, District Udham Singh Nagar.

.....… Petitioner.

Versus

1. The Judge, Small Causes Court/District Judge, Udham Singh Nagar.
2. Jagdeep Arora S/O Sri Pyare Lal R/O Purani Galla Mandi, Kichcha, District Udham Singh Nagar.

…..Respondents.

Sri Lalit Belwal, learned counsel for the petitioner.
Sri Gopal Narain Srivastava, Brief Holder for the State, learned counsel for the respondent-State.

Dated May 17, 2007.

Hon'ble B.S.Verma, J.

The petitioner has filed the present writ petition for issue a writ, order or direction in the nature of Certiorari quashing and setting aside the order dated 10-05-2007 passed by the Judge, S.C.C./District Judge, Udham Singh, Nagar, in S.C.C.Suit No. 2 of 2006, Jagdeep Arora Vs. Balvinder Singh, whereby the application of the defendant-petitioner for amendment of written statement (paper no. 46-C) has been rejected.

The petitioner has alternate remedy to prefer revision under Section 25 of the Provincial Small Cause Courts Act against the impugned order. On the ground of alternate remedy, I am not inclined to entertain the writ petition.

Accordingly, writ petition is dismissed in limine. However, the petitioner may prefer revision under Section 25 of the Provincial Small Cause Court Act. Certified copy of the

impugned order be returned to the petitioner by retaining a Photostat copy of the same on record.

Certified copy of this order be issued to the learned counsel for the petitioner today on payment of usual charges.

All applications stand disposed of.

(B.S.Verma, J.)

RCP